## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Fishman Haygood Phelps Walmsley, Willis & Swanson, LLP, and all others similarly situated, Plaintiffs,	) ) ) Case No. 1:09-CV-10533 PBS
v.	)
State Street Corporation, State Street Bank & Trust Co., State Street Bank & Trust Co. of New Hampshire, and State Street Global Advisors,	) ) ) )
Defendants.	) ) )

## ASSENTED TO MOTION TO FILE PLAINTIFF'S MOTION TO COMPEL AND CONFIDENTIAL DOCUMENTS UNDER SEAL

Pursuant to Rule 7.2 of the Local Rules of the United States District Court for the District of Massachusetts, the Plaintiff, Fishman Haygood Phelps Walmsley & Swanson LLP ("Plaintiff") petitions this Court to allow it to file documents under seal for the reasons set forth below. Defendants have assented to the motion.

On December 8, 2009, the Court entered a protective order that provided, among other things, that all material or information designated as confidential or highly confidential must be filed under seal pursuant to this Court's procedures for same. (Doc. 46, ¶ H.) Plaintiff has served on Defendants Plaintiff's Supplemental Memorandum Of Law In Opposition To Defendants' Motion To Dismiss For Lack Of Standing and accompanying declaration of Anthony Nazarro, and supporting exhibits. The memorandum, declaration, and exhibits contain confidential information.

## **Prayer for Relief**

WHEREFORE, all parties respectfully request that the Court allow the Plaintiff to

file the following documents under seal, pursuant to Rule 7.2 of the Local Rules:

- Plaintiff's Supplemental Memorandum Of Law In Opposition To Defendants' Motion To Dismiss For Lack Of Standing;
- Declaration of Anthong Nazarro;
- Exhibits to the foregoing.

Dated: January 15, 2009 Respectfully Submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that on January 15, 2009, I caused a copy of this document to be served electronically, via the electronic filing system, on the registered participants as identified on the Notice of Electronic Filing (NEF) and by first-class US. mail on those indicated as non-registered participants.

By: /s/\_Gregory Y. Porter\_